



Agenda Item

DATE: 05/02/2017

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: LAUREN SUGAYAN, SECRETARY TO THE HUMAN RELATIONS COMMISSION

SUBJECT: STAFF TRANSMITTAL MEMO FOR HUMAN RELATIONS COMMISSION REPORT ON ESTABLISHING SAFEGUARDS FOR OUR COMMUNITY AGAINST FEARS OF POST-ELECTION DISCRIMINATION AND ANTI-IMMIGRATION FEDERAL POLICIES

Staff is forwarding a Human Relations Commission report for review by the City Council. The Human Relations Commission Diversity Subcommittee will be present at the City Council meeting to seek feedback and direction from the City Council on future steps.

BACKGROUND

The Human Relations Commission Report on Establishing Safeguards For our Community Against Fears of Post-Election Discrimination and Anti-Immigration Federal Policies was brought to the Human Relations Commission by the Diversity Subcommittee on Wednesday, April 26th. The Human Relations Commission unanimously approved to have the report forwarded to the City Council for review and consideration.

DISCUSSION

There is no discussion for this transmittal memo.

FISCAL IMPACT

There is no fiscal impact of this transmittal memo.

RECOMMENDATION

There is no staff recommendation for this transmittal memo.

Prepared by

Lauren Sugayan, Secretary to the Human Relations Commission

Submitted by

Lauren Sugayan, Secretary to the Human Relations Commission

Approved by

Antonio E. Acosta, City Manager

Attachments

Description:

Human Relations Commission Report

Appendix I – Statement on Community Values

Appendix II - Draft Compassionate City Resolution & Policy

Type:

Attachment

Attachment

Attachment



Agenda Item

DATE: 04/26/17

TO: HONORABLE HUMAN RELATIONS COMMISSION

FROM: DEMETRIA SUMMERS, HUMAN RELATIONS COMMISSIONER
JAIME PATINO, HUMAN RELATIONS COMMISSIONER

SUBJECT: A HUMAN RELATIONS COMMISSION SUBCOMMITTEE REPORT ON
ESTABLISHING SAFEGUARDS FOR OUR COMMUNITY AGAINST FEARS
OF POST-ELECTION DISCRIMINATION AND ANTI-IMMIGRATION
FEDERAL POLICIES

The Human Relations Commission Diversity Subcommittee will propose city policy recommendations that aim to address community fears of post-election discrimination and federal anti-immigration policies. Once the full Human Relations Commission approves this report, it will be forwarded to City Council for consideration.

BACKGROUND

The 2015-2016 presidential election cycle had a significant social impact on many demographic groups, including many located in Union City, due to campaign rhetoric that instilled a high level of fear in many diverse communities throughout the nation. These demographic groups include, but are not limited to, immigrants of all descents, Muslim Americans, African Americans, Middle Eastern Americans, Hispanic Americans, Indian Americans, LGBTQ Americans, and women. Based on the actions and rhetoric of then-candidate Trump, these groups began to worry about the potential diminishment of their rights and freedoms under a Trump presidency.

Once President Trump won the election in November, community groups all over the nation started to react to their fears becoming reality. In the Bay Area and throughout California, City Councils, Commissions and other advocacy groups started to speak out against behavior or actions that are considered discriminative, racist and anti-immigration. This was largely due to a reported increase of this type of behavior around the nation and in California.

Here in Union City, we put out a statement in early December reinforcing our community values to residents. The statement expressed that the City Council, the Human Relations Commission, and City staff are an institution that celebrate diversity and strive to protect our community against discriminative behavior or action that would cause fear in a community that shares the common values of safety, tolerance and caring. The statement is attached.

Additionally, many Bay Area cities, counties, and school districts have recently passed resolutions declaring their communities as either sanctuary, welcoming, or compassionate. The concept, which has been around for decades, is largely symbolic, has no legal definition and aims to express disagreement with federal immigration policies. The declaration tends to limit some local cooperation with federal immigration authorities by refusing most requests to detain, pursue, or report undocumented immigrants who have had contact with local law enforcement for nonviolent offenses. In fact, a 2013 federal appeals court decision stated that local agencies are not legally required to detain undocumented immigrants when requested to do so;

however, this is currently being challenged by the Trump administration. It should be noted that even without declaring a sanctuary, welcoming, or compassionate status at all, many cities and counties in California refuse to comply with federal requests to detain, pursue or report undocumented immigrants.

In general, there is no practical distinction among using the words “sanctuary,” “welcoming,” or “compassionate.” Out of the Southern Alameda County cities, Hayward and Union City are the only two cities that have not formally declared a status on this issue.

Lastly, unofficial reports are steadily coming in about declining school attendance by children of undocumented parents in local schools and in schools throughout Alameda County. Reports, like this and others, have caused many community leaders and non-profits to coalesce around informing the undocumented community about their rights. We expect to see more of this over the coming months.

Timeline of Events

Since the inauguration of President Trump on January 21, 2017, the Trump Administrations has carried out the following actions that have pushed many cities, counties, and districts to declare themselves sanctuary, welcoming or compassionate:

- **January 25** – President Trump signed an executive order calling on sanctuary cities to comply with federal immigration law or have their federal funding cut.
- **January 25** – President Trump signs an executive order to build a wall along the US-Mexican border. The order further reinstates State and local authorities’ responsibility to enforce federal immigration laws.
- **January 27** – President Trump signs an executive order establishing the first immigration ban barring people from seven Muslim-majority countries. It was overturned and not reinstated due to a ruling from the appeals court.
- **February 9** – President Trump signs three executive orders designed to get tougher on crime:
 1. Enforcing federal law with respect to transnational criminal organizations and preventing international trafficking;
 2. Preventing violence against federal, state, tribal and local law enforcement officers;
 3. Task force on crime reduction and public safety.

The order reinforced the need for local law enforcement to address illegal immigration, drug trafficking and violent crime—and directs law enforcement to deport non-citizens involved in criminal activities.

- **March 6** – President Trump signs an executive order instating a new travel ban with minor revisions from the first ban, along with presidential memo instructing the Secretary of State, Attorney General, and Secretary of Homeland Security on how to implement the ban. A federal judge in Hawaii immediately blocked the ban and it remains blocked.
- **March 16** – President Trump sent a letter to the House of Representatives outlining his proposed budget, which significantly decreases funding to community block grants, health and human services, and education while increasing spending on homeland security and defense.
- **March 20** – President Trump and Homeland Security began releasing the “Name and Shame” list of cities and counties who have released undocumented immigrants from jails or chose not to carry out a federal request. Alameda County was on this list.
- **March 27** – Attorney General Jeff Sessions announced that sanctuary cities or those cities not complying with federal policy would risk losing funding from the Department of Justice if they refuse to cooperate with federal authorities to crack down on illegal immigration. Attorney General Sessions

stated that local law enforcement authorities would have to provide proof of compliance of federal code Title 8, code 1371 in order to receive or maintain their grant funds.

- **April 25** – A federal judge in California placed a nationwide hold on President Trump’s executive order to strip funding from municipal governments that refuse to fully cooperate with immigration agents.

As our neighbors around us began to take visible stances against these policies, the Human Relations Commission Diversity Subcommittee decided to assess the issue here in Union City and make a policy recommendation to the full Commission and to the City Council. Commissioner Demetria Summers and Commissioner Jaime Patino, who consist of the Diversity Subcommittee, began their work in March.

DISCUSSION

What are the goals of this report?

The subcommittee aims to accomplish the following stemming from the findings of this report.

1. Present the findings of this report to the full Commission for review and acceptance at the regularly scheduled Human Relations Commission meeting on Wednesday, April 26. The findings include a recommended draft resolution and an associated city policy framework.
2. Receive the approval of the Commission to forward the report to the City Council on at the May 9th City Council meeting.
3. Present the findings of this report to the City Council for review and acceptance at the May 9th City Council meeting. Additionally, ask City Council to provide further direction to Staff and the Subcommittee on next steps.

Staff and the Subcommittee does not expect the City Council to immediately adopt the resolution and policy framework as it is currently being presented, but rather aims to have the City Council consider it as a foundation step taken towards the City Council eventually adopting an official resolution and policy on this matter.

Here is the process model they followed:

Actions	Completed By:
1. Making a case for compassionate/welcoming/sanctuary city status	March 31
a. Research and vetting: <ol style="list-style-type: none"> Current policies (City & UCPD) regarding immigration and discrimination Federal & CA State immigration policies Includes executive orders, 2014 Trust Act and SB 54 Exploring Sanctuary City policies & their scope The fiscal, ethical and legal impact to the City and UCPD in adopting such a policy Includes case law 	
2. Stakeholder engagement & feedback	April 14
a. Stakeholder Meetings	
i. City Manager Tony Acosta	April 3
ii. Police Chief McAllister	April 3
iii. Key community leaders (i.e., clergy, orgs, etc)	April 20
3. Finalize draft policy recommendations & draft resolution	April 14-25
4. Communication plan	April 14- May TBD
a. Outreach strategies to community (press release, social media, email)	
5. Present proposed policy framework & draft resolution	May 9

a. Present report to Human Relations Commission	April 26
b. Present report to City Council	May 9

Policy research and outreach findings:

A detailed presentation of policy and outreach findings will be provided to the Human Relations Commission at the Wednesday, April 26th meeting and then again, to the City Council on May 9th.

Final policy recommendations for Commission and City Council consideration:

1. The Union City shall not engage in activities solely for the purpose of enforcing federal immigration law. The Union City Police Department does not independently conduct sweeps or other organized efforts for the purpose of detaining suspected undocumented aliens. Members of this department should not participate in such federal immigration operations as a part of any detention team unless it is in direct response to a request for emergency assistance for compromised officer safety.
2. Union City shall not enter into any partnerships or written agreement with federal authorities for the sake of enforcing federal civil immigration law according to section 287(g) of the INA.
3. Unless immigration status is relevant to another criminal offense or investigation, suspicion or knowledge of an undocumented alien shall not be the sole basis for contact, detention, or arrest. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or California Constitution.
4. It is the intent of the city that individuals feel secure in contacting or being addressed by Union City law enforcement regardless of their immigration status. To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation.
5. Individuals should not be held in custody solely for a civil immigration hold.
6. A detainer will be acted upon only for arrestees with pending criminal cases who would normally be held for further criminal proceedings, provided the ICE immigration detainer is accompanied with an arrest warrant signed by a judge.
7. No city employee or service provider shall ask or use knowledge of an individual's immigration status as a basis for providing services, unless it is material to the service being sought (i.e., immigration services). No city service shall be denied based upon race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status.
8. City resources shall not be used to create, assist in the creation, or maintain a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin for the purpose of reporting any immigration-related data to federal law enforcement.

The associated resolution is attached in Appendix II.

FISCAL IMPACT

There is no fiscal impact to this report.

RECOMMENDATION

The Diversity subcommittee recommends that the Human Relations Commission approve this report and forward it to City Council.

Prepared by

Demetria Summers, Human Relations Commissioner
Jaime Patino, Human Relations Commissioner

Submitted by

Lauren Sugayan, Secretary to the Human Relations Commission

Attachments: Appendix I – A Statement of our Community Values
 Appendix II – Draft Resolution

Appendix I

Statement of our Community Values

Union City is one of the most diverse cities in California, comprised of many different cultural, racial, ethnic, and religious groups who live together in peace and are tolerant of one another. A unique feature of our small-knit community is that we are unified through our diversity, and our community shares a commitment to our core values of **safety**, **tolerance**, and **caring**.

These core values would not be possible without the support of our residents, and we are thankful for the unyielding strength and compassion of the people in our city. We urge our community to continue to demonstrate compassion, caring, and the commitment to peace that makes Union City a safe place to live.

Our community is represented by a diverse City Council who work to set direction for the City with a focus on inclusion, community health and public safety. This ensures that all of our residents have access to a high quality of life and feel safe in our homes, schools, businesses, and public spaces.

The Union City Police Department policy requires that all of its members are committed to equal enforcement of the law and equal service to the public. Commitment to this ideal increases the effectiveness of the police department to protect and serve the entire community, while recognizing the dignity of all people.

The City's Human Relations Commission is a community institution that is in place to safeguard the human and civil rights of every community member. The commission also strives to build an environment where every person can realize their highest potential, unhampered by discrimination or bullying.

Recent events across the country have increased concerns in a number of communities, as episodes of intolerance, exclusion, and violence have become more frequent, more public, and more virulent. Recently, law-abiding citizens of our community have approached us with fears about the potential for hostility and intolerance. As a community where over 40% of our residents are first-generation immigrants, we firmly believe that everyone has a basic right to live in peace without fear of being discriminated against or targeted because of their skin color, country of origin, gender, religion, orientation, or immigration status.

If you have personally witnessed or experienced intolerance, discrimination or hate toward anyone in our community, please contact the Human Relations Commission by phone at (510) 675-5400 or by email to uchrrcommissioners@unioncity.org. Your message is confidential. Another option is to report it to the Alameda County District Attorney's hotline for hate-related crimes at (510) 208-4824.

Appendix II
Compassionate City Draft Resolution

WHEREAS, City Council recognizes that recent changes to federal immigration policies have generated fear and anxiety among city residents; and

WHEREAS, the City of Union City will continue to uphold its commitment to be a community free of prejudice, bigotry, and hate; and

WHEREAS, it is the intent of the City that no person be denied the equal protection of the laws, not shall any person be denied the enjoyment of his/her civil or political rights or be discriminated against because of age, race, physical ability, religion, sexual orientation, or citizenship status; and

WHEREAS, the city recognizes that such discrimination poses a threat to the health, safety, and general, and general welfare of the citizens of Union City and menaces the institutions and foundation of our community; and

WHEREAS, the City of Union City affirms the protections of the First Amendment for the free practice of religion; and

WHEREAS, the City of Union City recognizes that The United States Immigration and Customs Enforcement ("ICE") is responsible for enforcing federal civil immigration laws thus the City has no authority or jurisdiction for such enforcement; and

WHEREAS, a relationship of trust between California's immigrant residents and our local agencies, including law enforcement, schools, and healthcare providers is essential to carrying out basic local functions; and

WHEREAS, the City of Union City recognizes the authority and jurisdiction of the United States Immigration and Customs Enforcement to conduct sweeps, but strongly urges them not to: Break up families; Deport those that are here illegally, but have not broken any other laws; Detain or Deport anyone that is a victim or a witness in an ongoing investigation, court proceeding or trial; Conduct sweeps at schools, places of worship or City Buildings.

NOW THEREFORE BE IT RESOLVED that the city declares itself to be a COMPASSIONATE City; and

BE IT FURTHER RESOLVED that:

1. The Union City shall not engage in activities solely for the purpose of enforcing federal immigration law. The Union City Police Department does not independently conduct sweeps or other organized efforts for the purpose of detaining suspected undocumented aliens. Members of this department should not participate in such federal immigration operations as a part of any detention team unless it is in direct response to a request for emergency assistance for compromised officer safety.

2. Union City shall not enter into any partnerships or written agreement with federal authorities for the sake of enforcing federal civil immigration law according to section 287(g) of the INA.
3. Unless immigration status is relevant to another criminal offense or investigation, suspicion or knowledge of an undocumented alien shall not be the sole basis for contact, detention, or arrest. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or California Constitution.
4. It is the intent of the city that individuals feel secure in contacting or being addressed by Union City law enforcement regardless of their immigration status. To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation.
5. Individuals should not be held in custody solely for a civil immigration hold.
6. A detainer will be acted upon only for arrestees with pending criminal cases who would normally be held for further criminal proceedings, provided the ICE immigration detainer is accompanied with an arrest warrant signed by a judge.
7. No city employee or service provider shall ask or use knowledge of an individual's immigration status as a basis for providing services, unless it is material to the service being sought (i.e., immigration services). No city service shall be denied based upon race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status.
8. City resources shall not be used to create, assist in the creation, or maintain a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin for the purpose of reporting any immigration-related data to federal law enforcement.